

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-20 NSC-10 L-03

H-03 DRC-01 /094 W

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R 031746Z JAN 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 6771

INFO AMEMBASSY BONN

AMEMBASSY PARIS

USMISSION BERLIN

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E.O. 11652: N/A

TAGS: ETRN, UK

SUBJ: CIVAIR: PANAM OPERATIONS IN UK

REF: (A) LONDON 15032; (B) LONDON 11752 NOTAL

1. WE HAVE RECEIVED COPY OF LETTER FROM DTI (BROWN) TO PANAM'S UK DIRECTOR (MOORE) REFERRING TO PANAM'S OPERATIONS BETWEEN LONDON AND PARIS ON US ROUTE 5 - AND STATING THAT BECAUSE CARRIER HAS NOT MET CERTAIN REPORTING REQUIREMENTS, HAS CONTINUED HOLD OUT AVAILABILITY OF SAME DAY CONNECTING SERVICE BETWEEN LONDON AND PARIS ON FLIGHTS 121 AND 123 AND FLIGHTS 120 AND 122, AND BECAUSE AIRLINE CARRIED REVENUE PASSENGERS BETWEEN PARIS AND LONDON ON NOVEMBER 11 WITHOUT AUTHORITY (REF A), DTI, WITH EFFECT FROM JANUARY 14, WILL PROHIBIT PANAM UPLIFT ANY TRAFFIC IN LONDON FOR DISCHARGE IN PARIS AND VICE VERSA, INCLUDING NON-REVENUE AND COMPANY TRAFFIC. TEXT OF LETTER SENT SEPTEL (NOTAL).

2. DTI LETTER MAKES NO REFERENCE TO LONDON/AMSTERDAM/
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BERLIN SERVICE (REF A) AND IT MAY BE THAT PANAM

EXPLANATION THAT PRESS RELEASE ISSUED IN BERLIN STATING THIS SERVICE BEING PROVIDED BY FLIGHTS 624/625 WAS IN ERROR AND HAS BEEN RETRACTED, HAS SATISFIED DTI AUTHORITIES. (FLIGHT ACTUALLY OPERATED US/LONDON/AMSTERDAM AND RETURN AS FLIGHT 54/55. ALTHOUGH CHANGE OF GAUGE FROM 707 TO 727 OCCURS AT LONDON, FLIGHT BECOMES 624/625 ONLY OVER AMSTERDAM/BERLIN SEGMENT.)

3. COMMENT: GIVEN DTI'S LONG-STANDING SENSITIVITIES TO PANAM'S ROUTE 5 OPERATIONS AND REPEATED WARNINGS CARRIER HAS BEEN GIVEN ABOUT THESE OPERATIONS (REF B AND PREVIOUS), PANAM CLEARLY ERRED IN ELECTING TO CARRY TWA'S PASSENGERS FROM PARIS TO LONDON ON NOVEMBER JUUU AEEIE APIRIAL FRM DIJN PROBLEM EXACERBATED BY LATE AND INCOMPLETE REPORTING BY CARRIER OF NON-REVENUE TRAFFIC CARRIED BETWEEN LONDON AND PARIS AND BY AIRLINE RUIDE ENRIES FOR OCTOBER AND NOVEMBER SHOWING PARIS/LONDON CONNECTING SERVICE AVAILABLE ON ROUTE 5 OPERATIONS. (AIRLINE GUIDE ENTRIES HAVE BEEN CORRECTED FOR DECEMBER.) THIS COMBINATION OF FACTORS HAS LED DTI TO CONCLUSION THAT PANAM CONTINUING TO DISREGARD TERMS AND CONDITIONS OF ITS UK PERMIT AND THEREFORE NEEDED DISCIPLINING.

4. WE BELIEVE THERE IS REASONABLY GOOD CHANCE THAT PANAM, ON ITS OWN, COULD GET NON-REVENUE AND DISCOUNTED FARE TRAFFIC RIGHTS LONDON/PARIS RESTORED BY GIVING DTI OFFICIALS EXPLANATION OF CIRCUMSTANCES SURROUNDING APPARENT INFRACTIONS AND BY OFFERING ASSURANCES THAT IT WILL, IN FUTURE, CONFORM FULLY TO TERMS AND CONDITIONS OF ITS ROUTE 5 PERMIT, PENDING INTERGOVERNMENTAL RESOLUTION OF ROUTE 5 TRAFFIC RIGHTS QUESTION. ALTERNATIVELY, EMBASSY COULD MAKE REPRESENTATIONS ON BEHALF OF PANAM BUT WE WOULD POINT OUT THAT IT WOULD BE VERY DIFFICULT TO DO SO EFFECTIVELY WITHOUT BEING DRAWN INTO OLD PROBLEM OF THE MEANING OF THE ROUTE 5 FOOTNOTE. IN THIS CONNECTION, THERE IS NO EVIDENCE BRITISH PREPARED TO BUDGE FROM POSITION THAT NO REPEAT NO CONSOLIDATION OF REVENUE TRAFFIC AT LONDON IS PERMITTED IN OPERATIONS OVER ROUTE 5. ALSO, OUR LIMITED OFFICIAL USE

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POSITION WEAKENED BY FACT THAT NOVEMBER 11 INCIDENT WHICH FINALLY TRIGGERED DTI REACTION WAS CLEARLY IN VIOLATION OF BILATERAL AND NOT DIRECTLY RELATED TO ROUTE 5 ISSUE. THEREFORE, UNLESS WE EITHER PREPARED ACCEPT BRITISH INTERPRETATION ON ROUTE 5 QUESTION OR NEGOTIATE OUT DIFFERENCES WHEN OUR BARGAINING POSITION NOT VERY STRONG, WE WOULD RECOMMEND THAT WE LEAVE IT UP TO CARRIER TO WORK OUT PRESENT PROBLEM WITH DTI.

5. PLEASE ADVISE.

SOHM

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Disposition Approved on Date:
Disposition Authority: morefirh
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Disposition Date: 28 MAY 2004
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